

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KMS TECH, INC.,

Plaintiff,

20-CV-1041 (GBD) (VF)

-against-

ORDER

G MISSION INC., et al.

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge:

As stated at the telephonic conference held on February 14, 2023, fact discovery in the above-captioned action is re-opened for the limited purpose of Plaintiff producing the certified copy of the deposit from the Copyright Office. In addition, the parties are directed to meet and confer regarding selection of an independent expert to review Defendant G-Mission's software, and to submit a joint letter by no later than **Friday, February 24, 2023** proposing a schedule for expert discovery. As stated at the conference, Plaintiff will bear the cost of the expert.

Moreover, Defendants' pending motion for summary judgment (ECF No. 100) is denied without prejudice. Defendants are granted leave to re-file the motion at the conclusion of expert discovery. For the reasons stated at the conference, Plaintiff is responsible for reasonable attorney's fees and costs incurred by Defendants in connection with preparing the portion of its brief asserting that Plaintiff cannot prove copyright infringement as a matter of law (see ECF No. 101 at 1-6).

SO ORDERED.

DATED: New York, New York
February 14, 2023



VALERIE FIGUEREDO
United States Magistrate Judge